IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1994 of 2002

Between:

Mother Theresa Hut Dwellers Welfare Association (Reg.) Rep. by Secretary K.N.Krishna Rao, S/o.Arunachalam
D.No.41-1/5-48, N.H.-5 Krishnalanka, Vijayawada

..... PETITIONER

AND

The Commissioner, Vijayawada Municipal Corporation,
Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the proceedings of the respondent issue in Rc.No.G5-W.P.No.14741/99 Dt.1.2.2000 and consequently endorsement issued in Rc.No. G5.14741/99 Dt.22.9.2001 are illegal, arbitrary, and violative of principles of natural justice and also discriminatory and consequently direct the respondent to reconsider the case of the petitioner association for rehabilitation in view of their eviction from N.H-5 Krishnalanka Locality of Vijayawada Town, and pass

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent: MR.T.S.VENKATA RAMANA

The Court made the following :

O R D E R:

The writ petition has been filed by Mother Theresa Hut Dwellers Welfare Association (Reg.) representing by its Secretary-K.N.Krishna Rao with a prior to issue a writ or direction preferably writ of Mandamus declaring the proceedings of the respondent issued in R.C.No.G5-WP.14741/99 dated 1-2-2000 and consequential endorsement issued in Rc.G5.14741/99 dated 22-09-2001 as illegal, arbitrary and discriminatory and violative of principles of natural justice and consequently direct the respondent to reconsider the cases of the petitioner's association for rehabilitation in view of their eviction from NH-5 Krishnalanka locality of Vijayawada Town.

The members of the petitioner's association occupied certain Government land prior to 1979. During road-widening, the members of the association have been evicted. A scheme was introduced by the respondents-corporation for rehabilitation of the persons evicted in road widening. The association filed a writ petition in W.P.No. 14741 of 1999 against the Government of Andhra Pradesh and the Commissioner, Vijayawada Municipal Corporation, seeking a direction to the respondents therein for allotment of house sites for the purpose of rehabilitation. The writ petition came to be disposed of on 18-11-1999. The operative portion of the order reads as follows:

> "… Without going into the merits of the contentions raised, since the list of the members of the petitioner's association is furnished in the writ petition, the second respondent is directed to verify, whether any of the members mentioned in the list annexed to this writ petition were evicted from Krishnalanka in connection with the road widening program of N.H.No.5 and to consider their claim for alternative accommodation near Kundavari Kandrika colony or at some other place, depending on the eligibility and genuinity of their claim, within a period of two months from the date of receipt of a copy of this order."

It is the grievance of the petitioner-association that a representation has been submitted on 31-1-2000 and the respondent-commissioner passed orders on 01-02-2000 without reference to the representation dated 31-01-2000.

Heard the learned counsel appearing for the petitioner-association.

Virtually, this is a second round of litigation. The earlier round of litigation initiated by the petitioner-association ended with a direction to the respondents to consider the claim of the members of the association for alternative accommodation. It appears two surveys were conducted, one in the year 1993 another in the year 1999, before providing alternative accommodation to the eligible persons. The representation submitted by the petitioner-association on 31-1-2000 does not contain any verifiable material as to the names of persons in occupation of the land and proof of their occupation in the year 1997. In such a case, the survey conducted by the respondents in the year 1999 cannot be found fault. However, the individual members who want to establish their occupation prior to their eviction in road widening by the Government, they are at liberty to make representation for alternative accommodation.

With the above observation, the writ petition is disposed of. No costs.

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27-06-2005

Mjl/*

To,

1. The Commissioner, Vijayawada Municipal Corporation,
   Vijayawada, Krishan District.

2. 2 CD copies.

..... REGISTRAR

*Form-NIC-OGS/WP{**KKG**}*